

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO *et al.*,

Debtors.¹

PROMESA Title III

Case No. 17 BK 3283-LTS

(Jointly Administered)

**INFORMATIVE MOTION OF ASSURED GUARANTY
CORP. AND ASSURED GUARANTY MUNICIPAL CORP.
REGARDING THE MARCH 4-5, 2020 OMNIBUS HEARING**

To the Honorable United States District Court Judge Laura Taylor Swain:

Assured Guaranty Corp. and Assured Guaranty Municipal Corp. (together, “Assured”) hereby submit this informative motion in compliance with the *Order Regarding Procedures for Attendance, Participation and Observation of March 4-5, 2020 Omnibus Hearing* (ECF No. 11729)², and respectfully state as follows:

1. Mark C. Ellenberg, William J. Natbony, and Casey J. Servais of Cadwalader, Wickersham & Taft LLP will appear on behalf of Assured at the March 4-5, 2020 Omnibus

¹ The Debtors in these Title III cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s Federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 04780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² “ECF No.” refers to documents filed in Case No. 17-BK-3283-LTS, unless otherwise noted.

Hearing in Courtroom 3 of the United States District Court for the District of Puerto Rico, 150 Carlos Chardón Street, Federal Building, San Juan, Puerto Rico 00918-1767.

2. Mr. Ellenberg, and/or Mr. Natbony, and/or Mr. Servais will present oral argument on behalf of Assured on the following: (i) the *Amended Report and Recommendation of the Mediation Team* (ECF No. 10756); (ii) the *Opposition of Assured Guaranty Corp., Ambac Assurance Corporation, and Financial Guaranty Insurance Company to the Committee of Unsecured Creditors' Motion for Intervention Under Bankruptcy Rule 7024 and Relief from Certain Briefing Limitations*³; (iii) *Ambac Assurance Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., National Public Finance Guarantee Corporation, and Financial Guaranty Insurance Company's Opposition to DRA Parties' Motion and Memorandum of Law in Support of Their (I) Notice that the DRA is a Party in Interest and Can Participate in the Monlines' Amended Lift Stay Litigation and Request to Modify the Amended Revenue Bond Scheduling Order or, (II) in the Alternative, Motion to Permit the DRA Parties to Intervene in the Monolines' Amended Lift Stay Litigation* (ECF No. 10835) (ECF No. 11126); (iv) *Ambac Assurance Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp, National Public Finance Guarantee Corporation, and Financial Guaranty Insurance Company's Limited Objection to the Joint Stipulation Regarding (I) the DRA Parties' Motion and Memorandum of Law in Support of their Motion for Relief From the Automatic Stay, or in the Alternative, Ordering Payment of Adequate Protection* (ECF No. 7643); and (II) the *DRA Parties' Motion and Memorandum of Law in Support of Their Notice that the DRA is a Party in Interest and Can Participate in the Monolines Amended Lift Stay Litigation* (ECF No. 11285) (ECF No. 11325); (v)

³ These were filed as ECF No. 15 in Adversary Proceeding No. 20-00003; ECF No. 17 in Adversary Proceeding No. 20-00004; ECF No. 19 in Adversary Proceeding No. 20-00005; ECF No. 22 in Adversary Proceeding No. 20-00007.

the Joint Motion of the Commonwealth of Puerto Rico, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Public Buildings Authority for an Order (I) Scheduling a Hearing to Consider the Adequacy of Information Contained in the Disclosure Statement, (II) Establishing the Deadline for Filing Spanish Translation of the Disclosure Statement, (III) Establishing the Deadline for Filing Objections to the Disclosure Statement and Replies Thereto, and (IV) Granting Related Relief (ECF No. 10808); (vi) the Objection and Reservation of Rights of Assured Guaranty Corp., Assured Guaranty Municipal Corp., National Public Finance Guarantee Corporation, Ambac Assurance Corporation, Financial Guaranty Insurance Company, and Invesco Funds With Respect to Joint Motion of the Commonwealth of Puerto Rico, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Public Buildings Authority for an Order (I) Scheduling a Hearing to Consider the Adequacy of Information Contained in the Disclosure Statement, (II) Establishing the Deadline for Filing Spanish Translation of the Disclosure Statement, (III) Establishing the Deadline for Filing Objections to the Disclosure Statement and Replies Thereto, and (IV) Granting Related Relief (ECF No. 10808) (ECF No. 11095); (vii) the Urgent Motion of Assured Guaranty Corp., Assured Guaranty Municipal Corp., Ambac Assurance Corporation, Financial Guaranty Insurance Company, and National Public Finance Guarantee Corporation, as Holders and Insurers of HTA Bonds, to Compel Production of Documents Concerning Preliminary Hearing on Lift-Stay Motion (ECF No. 10102) (ECF No. 11686); (viii) the Urgent Motion of Ambac Assurance Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., and Financial Guaranty Insurance Company to Compel Production of Documents Relating to the Preliminary Hearing on the CCDA and PRIFA Lift-Stay Motions (ECF No. 11687); (ix) Ambac Assurance Corporation, Assured Guaranty Corp., Assured Guaranty

*Municipal Corp., National Public Finance Guarantee Corporation, and Financial Guaranty Insurance Company's Opposition to DRA Parties' Motion and Memorandum of Law in Support of their Motion to Intervene in the Revenue Bond Adversary Proceedings with Respect to the Clawback Complaint (ECF No. 11)*⁴; (x) *Ambac Assurance Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., National Public Finance Guarantee Corporation, and Financial Guaranty Insurance Company's Opposition to DRA Parties' Motion and Memorandum of Law in Support of their Motion to Intervene in HTA Revenue Bond Adversary Proceeding with Respect to the Lien Stripping Complaint (ECF No. 14)*⁵; and (xi) on all other related papers.

3. Mr. Ellenberg, and/or Mr. Natbony, and/or Mr. Servais reserve the right to be heard on any matter raised by any party at the March 4-5, 2020 Omnibus Hearing as concerns Assured related to the Title III cases, or any adversary proceeding pending in the Title III Cases, or the interests of Assured.

⁴ Filed as ECF No. 18, in Adversary Proceeding No. 20-00005.

⁵ Filed as ECF No. 21, in Adversary Proceeding No. 20-00007.

Dated: February 28, 2020
New York, New York

CASELLAS ALCOVER & BURGOS P.S.C.

By: /s/ Heriberto Burgos Pérez

Heriberto Burgos Pérez
USDC-PR No. 204,809
Ricardo F. Casellas-Sánchez
USDC-PR No. 203,114
Diana Pérez-Seda
USDC-PR No. 232,014
P.O. Box 364924
San Juan, PR 00936-4924
Tel.: (787) 756-1400
Fax: (787) 756-1401
E-mail: hburgos@cabprlaw.com
rcasellas@cabprlaw.com
dperez@cabprlaw.com

*Counsel for Assured Guaranty Corp. and Assured
Guaranty Municipal Corp.*

**CADWALADER, WICKERSHAM &
TAFT LLP**

By: /s/ Howard R. Hawkins, Jr.

Howard R. Hawkins, Jr.*
Mark C. Ellenberg*
William J. Natbony*
Ellen M. Halstead*
Thomas J. Curtin*
Casey J. Servais*
200 Liberty Street
New York, New York 10281
Tel.: (212) 504-6000
Fax: (212) 406-6666
Email: howard.hawkins@cwt.com
mark.ellenberg@cwt.com
bill.natbony@cwt.com
ellen.halstead@cwt.com
thomas.curtin@cwt.com
casey.servais@cwt.com

* Admitted pro hac vice

*Counsel for Assured Guaranty Corp. and
Assured Guaranty Municipal Corp.*

CERTIFICATE OF SERVICE

I hereby certify that I filed this document electronically with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all parties of record in the captioned case.

At New York, New York, 28th day of February, 2020.

By: /s/ Howard R. Hawkins, Jr.
Howard R. Hawkins, Jr.*
* Admitted pro hac vice